

Curriculum Vitae

Professor Marc H. Greenberg

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EXPERIENCE

Academic Experience

Golden Gate University School of Law - 2007 – Present
San Francisco, California

Professor of Law and Founding Director of the Golden Gate University Intellectual Property Law Center and Intellectual Property Law Program. Co-Director of the Program, 2007-2014.

Courses Taught:

Bar Courses – Business Associations (formerly Corporations), Civil Procedure I, Civil Procedure II, Professional Responsibility, Property;

IP Law Courses - CyberLaw, Intellectual Property Law Survey, LL.M. IP Seminar, Content Licensing, Entertainment Law, Film & Television Law;

Lawyering Skills Courses – Riding the Wave: Navigating New Technology for Lawyers; The Business of Solo and Small Firm Law Practice

Program Administration Responsibilities: Supervisor of the instruction by Adjunct Professors of 23+ Intellectual Property Law courses...Supervisor of the IP Specialization Certificate program for JD students... Responsible for the development of the Law School's first LL.M. program in Intellectual Property law, launched Spring 2002...Academic Advisor to the LLM IP Program...Co-Director of the IP Law Center and the IP Law Center Advisory Board.

Faculty Committee Service: Chair, Evaluations Committee; Chair, Curriculum Committee; Chair; Graduate Legal Education Committee; Co-Chair, Strategic Planning Committee; Member, Admissions Committee, Academic Standards Committee, Experiential Learning Committee, Bar

Pass Committee, Student Disciplinary Committee, Law Review Committee, Graduate Legal Education Committee, Long Term Planning Committee, Visibility and Reputation Committee.

Awards Received: Recipient of the John Gorfinkel Award as Outstanding Instructor of the Year – 2001.

2014...**Visiting Professor**, University of Nevada Las Vegas, William Boyd School of Law (Spring term - Property and Internet Law).

2013...**Visiting Professor**, University of Nevada Las Vegas, William Boyd School of Law (Spring term - Property and Internet Law).

2009-2010...**Visiting Professor**, University of California, Hastings College of the Law (teaching Civil Procedure I & II).

2002 – 2007...**Associate Professor** and Director of the JD and LL.M. Programs in Intellectual Property Law - Golden Gate University School of Law

2000 – 2002...**Visiting Professor** and Director of the IP Law Program - Golden Gate University School of Law

1995 - 2000...**Adjunct Professor** - Golden Gate University School of Law - Internet and Online Law

1992 - 2000...**Adjunct Professor** - Golden Gate University Law School - Entertainment Law

1992 - 2010...**Faculty Member** - San Francisco State University –Music and Recording Industry Certificate Program: teaching Legal Aspects of the Music Business.

Law Practice Experience

Law Office of Marc H. Greenberg
San Francisco, California
2000 – Present

Specialized IP Transaction Practice

Continuation of the transaction and litigation practice in intellectual property law for selected clients. Representation of Internet start-up companies, click and mortar businesses, sound recording distribution companies, software engineer placement companies, entertainment companies, and related businesses.

Nelsen, Greenberg & Cohen
San Francisco, California
1992 - 2000 **Founding Partner**

Transaction Practice

Transaction practice specializing in intellectual property. Extensive transactional work with Internet and on-line clients and companies. Draft and negotiate website design agreements, license content agreements for use on websites and multimedia projects, software and hardware license agreements, OEM agreements; Draft and develop model contracts for electronic publishing and for website developers. General commercial and residential real estate, corporate and business agreements negotiated and drafted.

Litigation Practice

Litigation practice specializing in business contracts, trademark and copyright infringement cases. Lead trial counsel in *Synnex Information Technologies, Inc. v. Tandy Corporation*, a computer hardware product liability case (received and collected a \$1.36 million dollar judgment). Co-trial counsel for the Charly group of international companies in a multinational trademark litigation case conducted in the United States, the United Kingdom and France. Litigation work in real estate, probate, estate and trust.

Law Offices of Marc H. Greenberg
San Francisco, California
1985 - 1991 **Principal**

Transaction Practice

Transaction practice specialized in intellectual property law, handling copyright, trademark and entertainment law cases. Negotiated patent licenses, employment agreements, and trademark license agreements. Drafted and negotiated corporate, licensing and publishing agreements and completed financing for private offerings for film and recording studio projects. Served as corporate counsel for five corporations.

Litigation Practice

Litigation practice specialized in business litigation, emphasizing trademark and copyright infringement cases. Successfully litigated *Meagher v. IAM* [856 F. 2d 1418 \(1988\)](#), through federal appeals and U.S. Supreme Court certiorari process, resulting in \$1.5 million pension recovery for clients (ERISA case). Litigation clients during this time included entertainment companies, leasing companies.

Harrison & Hearn
San Jose, California
1984 – 1985 **Associate**

Transactional and litigation associate for intellectual property law firm. Negotiated content and technology license agreements, merchandising and business sales agreements, patent license agreements, artist management agreements, recording and publishing agreements. Prosecuted trademark registration applications for technology and entertainment companies, and related copyright registrations. Assisted in patent infringement litigation regarding electronics devices, and represented business clients in copyright and trademark litigation.

Neumiller & Beardslee
Stockton, California
1979 - 1983 **Associate**

Litigation practice specializing in insurance defense, construction lien law, workers compensation law, personal injury, real estate law, bank collection, equipment leasing, and administrative law. Tried 13 cases to judgment, conducted depositions, law and motion appearances in courts throughout the state.

EDUCATION

University of California, Hastings College of the Law - J.D. – 1979

University of California - Berkeley - B.A. (with distinction) English Literature - 1974

PUBLISHED WORKS

Article - *First Amendment Cases - U.S. Supreme Court - 1976 Term*, Hastings Constitutional Law Quarterly, fall 1979.

Book Review - *Multimedia Law - Forms and Analysis*, ABA Forum Publication, Entertainment and Sports Lawyer, winter 1995.

Videotape – *Internet Legal Issues* 1.5 Hours – The Center for Continuing Education, Spring 2001

Case Note – *There Are No Enterprise Zones In Cyberspace – Voyeur Dorm, L.C. v. City of Tampa* – CEB Real Property Reporter – April 2002

Article – *A Return To Lilliput: The Licra v. Yahoo Case And The Regulation Of Online Content In The World Market* – 18:4 Berkeley Technology Law Journal, Boalt Hall School of Law, Fall 2003 .

Article – *The Baby With the Bath Water: The ALA v. U.S. Case and the Application of Mandatory Filtering to Public Library Internet Access* – Lead Article in the Spring 2006 issue of the Syracuse University School of Law’s Law and Technology Reporter – Presented as a work in progress in August 2005 at the 5th Annual Intellectual Property Scholars Conference – Cardozo School of Law – Yeshiva University, New York.

Article – *Reason or Madness: A Defense of Copyright’s Growing Pains* – 7 Review of Intellectual Property Law 1 (2007) – John Marshall School of Law; presented as a work in progress in August 2006 at the 6th Annual Intellectual Property Scholars Conference – Boalt Hall School of Law – University of California, Berkeley, California.

Book Chapter - "*Kurlan v. CBS: Justice Carter's Prescient Dissent - A Glimpse into the Future of Copyright Protection in the Entertainment Industry*", in *THE GREAT DISSENTS OF THE LONE DISSENTER* (Carolina Academic Press 2010).

Videotape – *Riding the Wave: Navigating New Technology Issues for Lawyers* – Presentation to the Amador County Bar Association (2010)

Article – *The Three C’s: China, Copyright and Calligraphy*, 7:2 Loyola University Chicago International Law Review 163 (2010), (presented as a work in progress in August 2008 at the 8th Annual Intellectual Property Scholars Conference – Stanford University School of Law; presented as a work in progress at the IP Scholars Work in Progress Conference – Tulane University School of Law – New Orleans, Louisiana, October 2008.

Book Review: Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Videotape and Copyright*, The IP Law Book Review, Golden Gate University IP Law Center – February 2011, available at www.gguiprc.com.

Article – *Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund* – available at <http://digitalcommons.lmu.edu/elr/vol32/iss2/1/>, 32 Loy. L.A. Ent. L. Rev. 121 (2012); presented as a work in progress at the AALS Art Law Section, and at the Comics Art Conference at WonderCon in San Francisco, and ComicCon in San Diego, Fall and Summer 2009; presented as a work in progress at the 9th Intellectual Property Scholars Conference - Cardozo School of Law – Yeshiva University, New York; presented in final form at the 11th Annual IP Scholars Conference - DePaul University School of Law, Chicago, Ill., 2012.

Book - *COMIC ART, CREATIVITY AND THE LAW*; Edward Elgar Publishing, Inc. (2014)

Magazine Article: PRINT Magazine - Contributor and Co-Author - *Banned Comics*, with Contributing Editor Michael Dooley - February 2014

Book - COPYRIGHT'S TERMINATION AND RECAPTURE LAWS: POLICY AND PRACTICE - ABA Publishing (forthcoming June - July 2016).

MEDIA INTERVIEWS

"An Introduction to Entertainment Law" Legal Incite Radio Broadcast – July 22, 2000

"The Microsoft/Great Plains Acquisition" Interview & Comment – TechTV – December 2000

"The Microsoft Antitrust Trial – Settlement Rumors" Interview & Comment – TechTV – December 2000

"The Microsoft Antitrust Trial – Judge Jackson's Comments and Judicial Ethics" Interview & Comment – TechTV – January 2001

"The Microsoft/Corel Connection – Antitrust analysis" Interview & Comment – TechTV – February 2001

"The Microsoft Antitrust Trial – Court of Appeal Arguments" In Studio Interview – TechTV – February 26, 2001

"The DVD Copying Case and the Anti-Circumvention Provisions of the DMCA" Interview & Comment – TechTV – April 2001

"The Columbine Shooting – Are Video Games the Cause" In Studio Interview and Comment – Silicon Valley Spin hosted by John Dvorak – TechTV – April 2001

"The Cadence/Avanti Trade Secret Case" Interview & Comment – KPST (Mandarin Television) – May 2001

"Microsoft's New Releases – Antitrust Again?" Interview and Comment – TechTV – May 2001

"The Court of Appeal Ruling in the Microsoft Antitrust Case" In Studio Interview and Comment – TechTV – June 2001

"High Expectations for IP Law" Interview – SF Business Times – August 31-September 6 2001

"The joemontanafanclub.com case" Interview and Comment – KPIX/CBS TV – September 2001

"The Department of Justice Decision on the Microsoft Case" – Interview and Comment – KGO/ABC TV – September 2001

"Internet Legal Issues" Legal Incite Radio Broadcast – October 20, 2001

“The Deterrent Effect of Arrests on Computer Software Piracy” – Interview and Comment – KGO/ABC TV – April 2002

“RIAA v. IIS – Post-Napster Fallout” – Interview and Comment – TechTV – April 2002

“Digital Copying Crackdown – Federal Arrest Warrants Issued” – Interview and Comment – KGO/ABC TV – July 2005

“Viacom v. YouTube” – Interview and Comment – CNN – January 2007

“Steve Jobs and the Digital Right Management Letter” – Interview and Comment – KGO/ABC TV – January 2007

“EMI Agrees to Release DRM-Free Music” – Interview and Comment – KGO/ABC TV – March 2007.

“The Biggest Spam Company Takedown” – Interview and Comment – KGO/ABC TV – October 2008

“Fair Use and the Shephard Fairey Obama poster” – Interview and Comment – KGO Newstalk Radio – February 2009

“Copyright and Martin Luther King's I Have a Dream Speech” - Interview and Comment - KCBS Radio - September, 2013

“Silk Road II - Drug Dealing on the Internet” - Interview and Comment - KGO/ABC TV - November 2014

“The Sony Hack and The Interview”- Interview and Comment - KPIX/CBS TV - December 2014

PRO BONO & COMMUNITY ACTIVITIES

Board Member, ABA IP Law Section, Books Editorial Board 2014-2015

Member, Executive Committee, AALS Art Law Section 2011-2014, 2016-2017

Chair, AALS Art Law Section 2010-2011

Chair-Elect, AALS Art Law Section, 2009-2010

Arbitrator, Mediator, Panel Attorney, and Lecturer for California Lawyers for the Arts - 1983 to present

Co-Chair, Copyright Committee, San Francisco Intellectual Property Law Association – 2001-02

Member, American Bar Association, Intellectual Property Law Section – 2001- Present

Member, Bar Association of San Francisco, Intellectual Property Law Section – 1999 – Present

Member, Intellectual Property Inns of Court, Bay Area Chapter – 2003 - 2005

Member, Board of Directors, Glaucoma Research Foundation – 2001-02

Member, Board of Directors, iParadigms, Inc. - 2003

Member, State Bar of California, Intellectual Property Law Section - 2001 - Present

PRESENTATIONS

Faculty Presentation - *The Yahoo! Inc. v. LICRA case*, Spring 2002

MCLE for Golden Gate University Alumni, *Hot Topics in IP Law*, Fall 2002, Fall 2003, January 2005

Lecturer, University of California Extension (*Copyright for Editors*) Fall 2001, Fall 2002

Bay Area Oral Historians Society (*Copyright for Oral Historians, Negotiating Release Agreements*) January 2000, January 2001

Lecturer, San Francisco State University Music and Recording Industry Program, Independent Music Production Class, *Legal Issues in Independent Music Productions*

Panelist, *New Developments in Intellectual Property Law*, ABA Section of Intellectual Property Law, Summer IP Law Conference, 2003

Lecturer, Fall Orientation Program, Golden Gate University School of Law Class of 2006, *Drafting and Negotiating Contracts*, August 2004

Faculty Presentation – *New Uses of Technology in Legal Education* Fall 2004

Faculty Presentation – *The Children’s Internet Protection Act Case – ALA v. U.S. – A Critical Analysis* Fall 2004

Panelist, *Managing a Boutique Entertainment Law Practice*, Golden Gate University School of Law Conference, Recent Developments in Intellectual Property Law, October 2004

Panelist, *Record Contracts 101*, Conference on Entertainment Law, California Lawyers for the Arts, November 2004

Moderator and Panelist, *Recent Developments in IP Law*, Fifth Annual Conference, Golden Gate University School of Law, March 2005

Speaker, IP Scholars Conference, *The Baby and the Bath Water Too: A Critique of ALA v. U.S.*, Cardozo School of Law, Yeshiva University, New York, August 2005

Panelist, *The Music Business and the Internet*, Conference on Entertainment Law, California Lawyers for the Arts, October 2005

Panelist, *The Music Business After Grokster*, Golden Gate University School of Law Conference, Recent Developments in Intellectual Property Law, October 2005

Speaker, MCLE Beat the Clock Program, *Does Filtering Software Work: A Critique of Recent Jurisprudence*, January 2006

Speaker, IP Scholars Conference, *Reason or Madness: A Defense of Copyright's Growing Pains*, Boalt Hall School of Law, University of California, Berkeley, August 2006

Speaker, MCLE Beat the Clock Program, *Recent Developments in IP Law*, January 2007

Speaker, *The Three C's: China, Copyright and Calligraphy – A Critique of a Cultural and Legal Conflagration*, The 17th Annual Fullbright Symposium on International Legal Problems, Golden Gate University, April 2007

Speaker, *The Three C's: China, Copyright and Calligraphy – A Critique of a Cultural and Legal Conflagration* – at the 8th Annual Intellectual Property Scholars Conference – Stanford University School of Law, August 2008;

Speaker, *The Three C's: China, Copyright and Calligraphy – A Critique of a Cultural and Legal Conflagration* - at the IP Scholars Work in Progress Conference – Tulane University School of Law – New Orleans, Louisiana, October 2008;

Speaker – *Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund* at the AALS Art Law Section, San Diego, California, January 2009;

Speaker – *Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund* at the Comics Art Conference at WonderCon in San Francisco, February 2009;

Speaker - *Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund* at the 7th Annual IP Law Conference, Golden Gate University School of Law in San Francisco, April 10, 2009.

Moderator – IPLA/CLA joint program on the Google Books Settlement, Golden Gate University School of Law, April 16, 2009.

Speaker – *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Berkeley, California, May 2, 2009.

Speaker – *Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund* at the Comics Art Conference at ComicCon in San Diego, July 2009.

Speaker - *Comics, Courts and Controversy: Who Owns Superman?* at the Ninth Annual IP Scholars Conference at Cardozo University, New York City, August 2009.

Moderator – the 8th Annual IP Law Conference, Golden Gate University School of Law, October, 2009.

Speaker – *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Napa, California, May, 2010.

Speaker – ABA Annual Meeting – Forum on Sports and Entertainment Law – *The Viacom v. YouTube Case: The Future of Secondary Liability Claims* – San Francisco, October 2010

Moderator – The 9th Annual IP Law and Policy Conference, Golden Gate University School of Law, November, 2010.

Moderator and Speaker – *Art in Public Space*, Art Law Section, AALS Annual Meeting, San Francisco, California, January 2011

Speaker - FinnPro Technology Innovators Conference, Helsinki, Finland, April 2011

Speaker - *Digital Tech Issues in IP Law*, University of Helsinki, Finland, April 2011

Moderator - GGUIPLC Distinguished Speaker Series: Judge Alex Kozinski, at GGU, April 2011

Panelist: *Battle of the Superheroes: The Copyright Termination Cases*, Pennsylvania Bar Institute Annual CLE conference, Philadelphia, Pennsylvania, May, 2011

Speaker: *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Yountville, California, May, 2011

Commentator - IP Panel, Law and Society, San Francisco, CA, May 2011.

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2011.

Speaker - *Comics, Courts and Controversy: A Case Study of the Comic Book Legal Defense Fund* (final version), at the 11th Annual IP Scholars Conference, DePaul University, Chicago, Illinois, August 2011.

Speaker - *The Copyright Termination Cases: Superman and the Estate of Jack Kirby*, lunch program for the SFIPLA, at Farella, Braun & Martel offices, San Francisco, CA August 2011.

Moderator and Speaker - The 10th Annual IP law and Policy Conference, Golden Gate University School of Law, October 2011.

Moderator - AALS Art Law Section Program - Washington, D.C., January 2012.

Panelist - *Right of Publicity and the Intersection of Copyright and Trademark Law*, Pennsylvania Bar Institute Annual CLE conference, Philadelphia, Pennsylvania, March 29, 2012.

Speaker - *Creativity Constrained: Comics and the Law*, 5th Annual IP Scholars Roundtable, Drake University School of Law, Des Moines, Iowa, March 31, 2012.

Speaker: *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Healdsburg, California, June, 2012

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2012.

Speaker - *Creativity Constrained: Comics and the Law* at the 12th Annual IP Scholars Conference at Stanford University, Palo Alto, August 2012.

Moderator - The Golden Gate University School of Law IP Law Center's Distinguished Speaker Series, featuring Cardozo Law School's Prof. Justin Hughes at GGU, September 25, 2012.

Moderator and Speaker - The 11th Annual IP law and Policy Conference, Golden Gate University School of Law, October 26, 2012

Speaker - FinnPro Technology Innovators Conference, Helsinki, Finland, November 2012

Speaker - *Copyright Termination Cases - an Update on Recent Developments*, for the San Francisco Intellectual Property Association Monthly presentation - at DLA Piper in San Francisco, December 2012

Speaker - *Determining Domain: IP Law and Art: for Intersection for the Arts*, Gallery Lecture Series, in San Francisco, December 2012

Panelist - *Right of Publicity for Dead Celebrities*, Pennsylvania Bar Institute Annual CLE conference, Philadelphia, Pennsylvania, March 2013

Speaker: *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Healdsburg, California, June, 2013

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2013

Speaker - *Managing Outside Counsel for High Technology Companies: A New Paradigm* - interview with Alica del Valle, Trademark Counsel for salesforce.com - The 12th Annual IP law and Policy Conference, Golden Gate University School of Law, October 25, 2013

Speaker - *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Healdsburg, California, June, 2014

Panelist - *Right of Publicity Update*, Pennsylvania Bar Institute Annual CLE conference, Philadelphia, Pennsylvania, March 2014

Panelist - Comic Arts Conference - *Future Forecasting - Comic Book Law and Business* - San Diego Comic Con, San Diego, CA, July 2014

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2014

Speaker - *Comic Art, Creativity and the Law*, Faculty Scholarship Presentation, Golden Gate University School of Law, San Francisco, October 9, 2014

Speaker - *Comic Art, Creativity and the Law*, San Francisco Intellectual Property Law Association, San Francisco, CA December 9, 2014.

Speaker - *Protecting and Enforcing IP Rights* - Visiting Attorneys and Judges from China, at GGU - January 21, 2015

Panelist - *Topic TBD*, Pennsylvania Bar Institute Annual CLE conference, Philadelphia, Pennsylvania, March 2015

Panelist - Comic Arts Conference - *Future Forecasting - Comic Book Law and Business* - Emerald City ComicCon - Seattle, WA - March 2015

Speaker - *Comics and the Law* - Noon talk for IP Class - Hastings College of the Law - April 10, 2015

Speaker - *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Healdsburg, California, June, 2015

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2015

Speaker - *IP Ethics Update* (with Michael Lovitz), Beverly Hills Bar Association, Beverly Hills, CA, August 2015.

Moderator and Speaker - The 13th Annual IP law and Policy Conference, Golden Gate University School of Law, *Copyright's Termination and Recapture Laws* - October, 2015

Upcoming and Scheduled Presentations

Speaker - *The Year in Copyright*, at the San Francisco Intellectual Property Law Association Annual IP Law Conference, in Healdsburg, California, June, 2016

Panelist - Comic Book Law School 303, San Diego Comic Con, San Diego, CA, July 2016